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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460  
Mail Code 5104A

MAR 16 2001

CHEMICAL EMERGENCY  
PREPAREDNESS AND PREVENTION  
OFFICE

Christopher Warner, Esq.  
General Counsel  
US Chemical Safety and Hazard Investigation Board  
2175 K Street, NW, Suite 400  
Washington, DC 20037-1809

**RE: CSB Recommendations 98-006-I-NJ-R08 and 98-006-I-NJ-R09**

Dear Mr. Warner:

As required by Section 112(r)(6)(I) of the Clean Air Act (CAA) Amendments of 1990, this letter officially responds to the recommendations submitted to the Environmental Protection Agency (EPA) as a result of the accident investigation conducted by the Chemical Safety and Hazard Investigation Board (CSB) at Morton International, Inc. in Paterson, New Jersey on April 8, 1998. EPA received these recommendations in September 2000. In our initial response letter November 2000, we indicated that the Office of Solid Waste and Emergency Response (OSWER) was delegated responsibility by the Administrator for formal response to the CSB; the Chemical Emergency Preparedness and Prevention Office (CEPPO) in OSWER will manage all Agency tracking, processing, and responses to CSB recommendations.

CEPPO is implementing both recommendations as described below.

**98-006-I-NJ-R08** Recommendation: Work with the Occupational Safety and Health Administration (OSHA) to issue joint guidelines on good practices for handling reactive chemical process hazards.

**Activities and status:**

- EPA/CEPPO is using the existing EPA/OSHA Standing Committee on Incident Prevention to work with OSHA on the development of technical guidance for process safety management of reactive chemicals and processes. The Standing Committee works to coordinate process safety and risk management issues between the two agencies. In

addition, CEPPO has involved staff who possess reactive chemical expertise from other Agency offices in this issue. The guidance will draw from the technical guidance issued by the Health and Safety Executive of the UK; and

- CEPPO is working with the American Institute of Chemical Engineers (AIChE) Center for Chemical Process Safety (CCPS) in the development of a Guideline Series book on reactive chemical and process safety. The Guideline Series books are generally comprehensive and technical involving a multi-year effort.

In addition, based on our past root cause investigations and on information about recent reactive chemical process incidents, we believe there is a need for a short introductory guide or alert directed at small and medium enterprises. The alert or guide would be designed to raise awareness so that companies act to ensure that potential reactive chemical and process safety hazards are identified and to use the guides described above to manage these hazards. CEPPO is collaborating with OSHA and industry on this effort.

**98-006-I-NJ-R09 Recommendation:** Participate in a hazard investigation of reactive chemical process safety conducted by the CSB.

**Activities and status:**

- Over the past several months, CEPPO staff have been working closely with CSB staff on this hazard investigation, including reviews of questions for EPA and OSHA from the CSB on reactive chemical and reactive process safety, review of a CSB industry survey plan and instrument, and collection of reactive chemical incident histories from various EPA databases for the CSB. We will continue to support this effort.


In addition, CEPPO is reviewing its list of hazardous substances developed under Section 112(r)(3) of the CAA to reconsider whether reactive chemicals should be added.

We look forward to continuing our work with you on these recommendations and on reactive chemical and process issues. I recently received the Questions for EPA Regarding the Reactive Chemical Hazard Study. I intend to respond with our answers before your requested deadline. However, despite our comments on the draft questions, the questions posed reflect a primarily regulatory approach to reactive chemical process safety. Recognizing the CAA §112(r) requirements, the general duty clause, the availability of future resources to oversee and enforce, and the dominant responsibility of the industry to operate safely, we believe that non-regulatory approaches may be as important, if not more important, than regulations, especially for a complex issue like reactive chemicals and reactive chemical processes. We encourage the CSB to keep this in mind throughout the remaining stages of the hazard investigation and when considering the next steps upon completion. We are, of course, available to partner with you in the process; we are also confident OSHA would partner as well.

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If you have any questions, please contact me at 202-564-8600 or Craig Matthiessen at 202-564-8016.

Sincerely,



Jim Makris, Director  
Chemical Emergency Preparedness  
and Prevention Office

cc: M. Shapiro, Assistant Administrator (Acting), OSWER

D. Speights

C. Matthiessen

J. Ferris

B. Reilly

M. Marshall, OSHA